

### **REMARKS/ARGUMENTS**

Claims 1-15, 23-33, 41-55, 63-73 and 81-112 are pending.

#### **CLAIM REJECTIONS UNDER 35 USC 103**

Claims 1-6, 23, 24, 41-46, 63-64 and 81-84 are rejected under 35 USC 103(a) as being unpatentable over US published application 20030123751 to Krishnamurthy et al. ('751 publication) in view of US patent no. 6792135 to Toyama ('135 patent), in view of US patent 4970663 to Beddell et al. Each of claims 1-6, 23, 24, 41-46, 63-64 and 81-84, as now amended, is allowable because no combination of the '751 publication to Krishnamurthy et al., the '135 patent to Toyama, and Beddell et al. teaches or suggests all of the recited limitations.

The second and third elements of Applicants' claim 1 now recite (b) based on the identifying of the one or more groups of pixels that correspond to a face and at least on information relating to location, position, orientation, focus, white balance, color balance, or exposure of the face, or combinations thereof, selecting a portion of the original still image for processing to include the group of pixels and (c) automatically generating values of pixels of one or more new still images based on the selected portion in a manner which always includes the face within the one or more new still images which differ from the original digitally-acquired still image by including at least one group of pixels modified at least in their location, position, orientation, focus, white balance, color balance, or exposure of the face, or combinations thereof, as compared with the one or more groups of pixels identified in the original digitally-acquired still image.

Specifically, a group of pixels is modified in their location, position, orientation, focus, white balance, color balance, or exposure of the face, or combinations thereof, based on their identification as corresponding to a face and on information relating to their location, position, orientation, focus, white

balance, color balance, or exposure of the face, or combinations thereof. This feature is neither taught nor suggested by any of the references being relied upon by the Examiner, particularly Krishnamurthy et al. which the Examiner is relying upon as disclosing optional zooming. The Examiner had interpreted the modifying of another spatial parameter to include zooming. Claim 1, as now amended, no longer recites "or other spatial parameter of the face", and does not otherwise include zooming within the alternative groups recited at elements (b) and (c). Therefore, amended claim 1 is now allowable.

Claims 23, 41, and 63, as amended, are allowable for the same reasons as amended claim 1. Claims 2-5 and 81 are allowable as being based on amended claim 1. Claims 24 and 82 is allowable as being based on amended claim 23. Claims 42-46 and 83 are allowable as being based on amended claim 41. Claims 64 and 84 are allowable as being based on amended claim 63.

Claims 7, 11, 25, 29, 47, 51, 65 and 69 are rejected under 35 USC 103(a) as being unpatentable over Krishnamurthy et al. (the '751 publication) in view of Toyama and Beddell et al. in further view of US patent 6246779 to Fukui et al. Each of claims 7, 11, 25, 29, 47, 51, 65 and 69, as now amended, is allowable because no combination of the '751 publication to Krishnamurthy et al., Toyama, Beddell et al. and Fukui et al. teaches or suggests all of the recited limitations, particularly for the reasons set forth above with specific regard to the '751 publication. Moreover, there is no suggestion to combine Fukui et al. with the Krishnamurthy et al. and Bedell et al., as Krishnamurthy et al. and Bedell et al. relate to video imaging, while Fukui et al. relates to the non-analogous field of still imaging.

Claims 8, 9, 14, 15, 26, 27, 32, 33, 48, 49, 54, 55, 66, 67, 72 and 73 are rejected under 35 USC 103(a) as being unpatentable over Krishnamurthy et al. (the '751 publication) in view of Toyama and Beddell et al. in further view of US published patent application 20030142209 to Yamazaki et al. Each of claims 8, 9, 14, 15, 26, 27, 32, 33, 48, 49, 54, 55, 66, 67, 72 and 73, as now amended, is

allowable because no combination of the '751 publication to Krishnamurthy et al., Beddell et al. and Yamazaki et al. teaches or suggests all of the recited limitations, particularly for the reasons set forth above with specific regard to the '751 publication..

Claims 10, 12, 13, 28, 30, 31, 50, 52, 53, 68, 70 and 71 are rejected under 35 USC 103(a) as being unpatentable over Krishnamurthy et al. in view of Beddell et al. in further view of Yamazaki et al. and Fukui et al. Each of claims 10, 12, 13, 28, 30, 31, 50, 52, 53, 68, 70 and 71, as now amended, is allowable because no combination of Krishnamurthy et al., Beddell et al. and Yamazaki et al. teaches or suggests all of the recited limitations, particularly for the reasons set forth above with specific regard to the '751 publication.

#### NEW CLAIMS

New claims 85-112 are allowable because no combination of the references being relied upon by the Examiner teaches or suggests all of the limitations of any of these claims. Claim 85, in contrast to previously presented claim 1, recites element (a) as follows: identifying one or more groups of pixels that correspond to a face within the original digitally-acquired still image, including determining within the one or more groups of pixels (i) a structurally-invariant facial feature, or (ii) a correlation with a stored standard or learned face pattern, of the one or more groups of pixels, or combinations thereof. It is submitted that the references being relied upon by the Examiner do not teach or suggest a method of generating one or more new digital still images using an original digitally-acquired still image including a face which includes element (a) of claim 85.

In contrast to previously presented and currently amended claim 1, element (a) of claim 85 does not recite determining within one or more groups of pixels "a relationship between two or more facial features". The Examiner had cited the '135 patent of Toyama as teaching element (a) of claim 1. However,

Appl. No. 10/608,784  
Amendment dated October 28, 2007  
Reply to Office Action mailed August 21, 2007  
Docket: FN102-F

Toyama does not teach nor suggest element (a) of claim 85. In addition, neither do any of the '751 publication of Krishnamurthy et al., nor Beddell et al., nor Yamazaki et al., nor Fukui et al., nor any combination thereof, teach or suggest element (a) of claim 85. Therefore, claim 85 is allowable. Claims 86-112 are allowable for the same reasons as claim 85.

For the reasons set forth above, it is submitted that the application is now in condition for allowance. The Examiner's reconsideration and further examination are respectfully requested.

The Examiner is respectfully invited to call the undersigned attorney at 415-203-2782.

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 50-4399. A duplicate page is enclosed.

Respectfully submitted,

Dated: October 29, 2007

By



Andrew V. Smith  
Reg. No. 43,132

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Toyama does not teach nor suggest element (a) of claim 85. In addition, neither do any of the '751 publication of Krishnamurthy et al., nor Beddell et al., nor Yamazaki et al., nor Fukui et al., nor any combination thereof, teach or suggest element (a) of claim 85. Therefore, claim 85 is allowable. Claims 86-112 are allowable for the same reasons as claim 85.

For the reasons set forth above, it is submitted that the application is now in condition for allowance. The Examiner's reconsideration and further examination are respectfully requested.

The Examiner is respectfully invited to call the undersigned attorney at 415-203-2782.

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